



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

March 25, 2019

Paul E. Gilbert
Beus Gilbert, PLLC
701 North 44th Street
Phoenix, Arizona 85008

Dear Applicant:

RE: Z-44-18-6 – Southeast corner of 44th Street and Indianola Avenue alignment

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 601 of the Zoning Ordinance, as amended, has on March 6, 2019, approved Zoning Ordinance # G-6564.

Development and use of the site is subject to compliance with all applicable codes and ordinances.

Sincerely,

Joshua Bednarek
Planning and Development Deputy Director

Attachment: Signed Ordinance

- c: Hospice of Valley, 1510 E. Flower St., Phoenix, AZ 85014
- File
- Tricia Gomes, PDD–Planning-Special Projects Administrator (Electronically)
- Racelle Escolar, PDD–Planning–Planner III (Electronically)
- Maja Brkovic, PDD–Planning–Village Planner (Electronically)
- Ben Kim, PDD–GIS (Electronically)
- Randy Weaver, PDD–Development (Electronically)
- Penny Parrella, City Council (Electronically)

ORDINANCE G-6564

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-44-18-6) FROM R1-10 (SINGLE-FAMILY RESIDENCE DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 3.56 acre property located at the southeast corner of 44th Street and Indianola Avenue in a portion of Section 30, Township 2 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from "R1-10" (Single-Family Residence District) to "PUD" (Planned Unit Development).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Hospice of the Valley Campus PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped December 18, 2018, as modified by the following stipulations:
 - a. Front Cover: Revise the submittal date information on the bottom to add the following: City Council adopted: [Add adoption date].
 - b. Page 4, Table of Contents: Update page numbers to match the PUD sections.
 - c. Page 4, Exhibits: Modify Exhibit 10 to "Cross-Section along Indianola Avenue" and Exhibit 11 to "Proposed Building Height and Building and Landscape Setback Exhibit."
 - d. Page 11, First Sentence, Revise as follows: "Clearly, even the proposed height is consistent and compatible with the single-family residential zoning districts...."
 - e. Page 16, Building Height, Second Paragraph, Second Sentence, Revise as follows: "The result of this compatible lot coverage is the creation of greater openness..."
 - f. Page 16, Building Height, Second Paragraph, Fourth Sentence: Delete.
 - g. Page 17, The Landscape Design, Fourth Paragraph, First Sentence: Modify as follows: "An average 28-foot landscape setback..."
 - h. Page 18, List of Uses: Add the following below 1.a): b) No residential dwelling units, as defined by Section 202 of the City of Phoenix Zoning Ordinance shall be permitted.
 - i. Page 21, Development Standards, Building Setbacks: Modify to Exhibit K-11.
 - j. Page 22, Add: Development Standards header at the top of the table.
 - k. Page 22, Landscape Setbacks/Area and Building Height: Modify to Exhibit K-11.

- i. Page 22, Second Building Height Standard, Add “Maximum” in front of Building Height and change the maximum building height to 25-feet.
- m. Page 22, Lot Coverage, Delete: “Note: Calculations assume gross site area including Indianola Avenue.”
- n. Page 26, Design Guidelines, 2.c, Modify as follows: “Building facades shall not exceed 40 linear feet without architectural embellishments...”
- o. Page 26, Design Guidelines, Façade articulation standards, Add the following: “g. Second story windows shall be prohibited along the southern property line.”
- p. Page 29, Sustainability, Add the following requirement: “6. Recycling collection areas shall be identified on the site plan at the time of the site plan review process. A minimum of two recycle containers to service the development shall be provided, as approved by the Planning and Development Department.”
- q. Exhibit 8: Modify the North and South Building Setbacks for the R1-10 Subdivision column to the following: “3 or 10 feet.”
- r. Exhibit 11: Add “Proposed Building Height and Building and Landscape Setback Exhibit” above the legend and increase the legend font size.
- s. Add a lot coverage exhibit exhibiting the following:
 - 1. The primary building and the accessory structures square footage divided by the net lot area; provide calculation at the bottom of exhibit.
 - 2. Portions of the parking garage that are above 4 feet 6 inches from the natural grade square footage divided by the net lot area; provide calculations at the bottom of exhibit.Make a reference to the exhibit in the development standards table for lot coverage in the following manner: “* See Exhibit K-13 for lot coverage calculation standards.”

2. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
3. The property owner shall record documents that disclose the existence, and operational characteristics of Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided.
4. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
5. Provide a left-turn arrow light off of 44th Street and Indianola to the existing light, as approved by the Planning and Development Department.
6. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims form. The Waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 6th day of March,

2019.

Thelda Williams
MAYOR

ATTEST:

Jessie Archibald City Clerk



APPROVED AS TO FORM:

[Signature] Acting City Attorney pm

REVIEWED BY:

[Signature] City Manager

PL:tml:LF19-0425-03/06/19:2095924v1

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-44-18-6

LEGAL DESCRIPTION:

LOT 2 (PER TITLE REPORT):

THE LAND REFERRED TO HEREIN BELOW IS SITUATED PHOENIX, IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS: LOT 2, OF ARCADIA HIGH SCHOOL, ACCORDING TO BOOK 1248 OF MAPS, PAGE 49, RECORDS OF MARICOPA COUNTY, ARIZONA.

LOT 2 (METES AND BOUNDS, SEE BK 1259, PG 08, MCR):

THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY ARIZONA, BEING PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 30, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 30 BEARS SOUTH 87°51'48" EAST, A DISTANCE OF 2684.68 FEET;

THENCE SOUTH 0°17'18" WEST, ALONG THE MID-SECTION LINE OF SAID SECTION 30, A DISTANCE OF 993.73 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30;

THENCE, DEPARTING FROM SAID MID-SECTION LINE, SOUTH 87°57'36" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 40.02 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 44TH STREET, ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PART;

THENCE CONTINUING SOUTH 87°57'36" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 428.06 FEET;

THENCE, DEPARTING FROM SAID NORTH LINE, SOUTH 0°54'31" WEST, A DISTANCE OF 330.68 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 30;

THENCE NORTH 87°59'13" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 424.47 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID 44TH STREET;

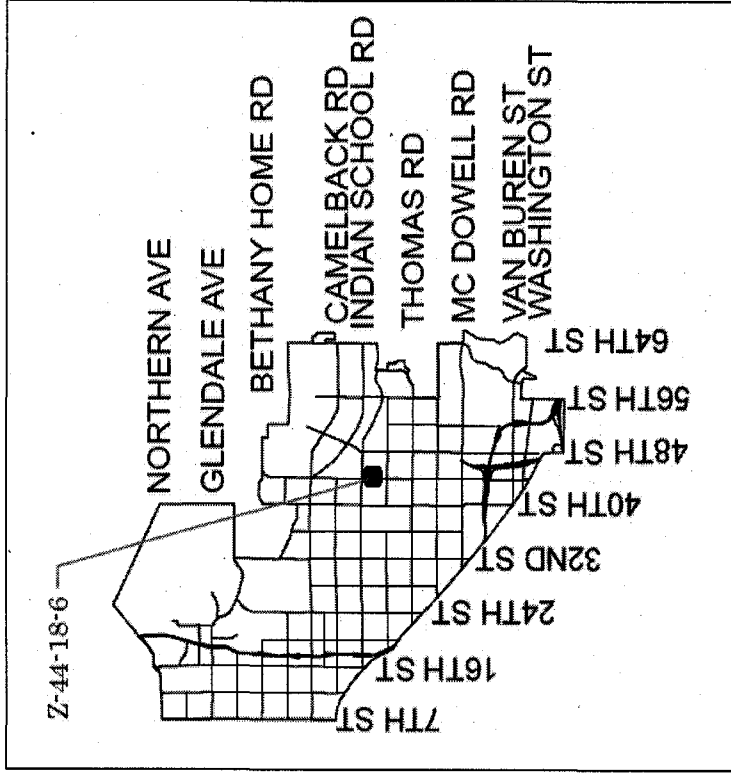
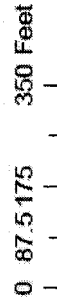
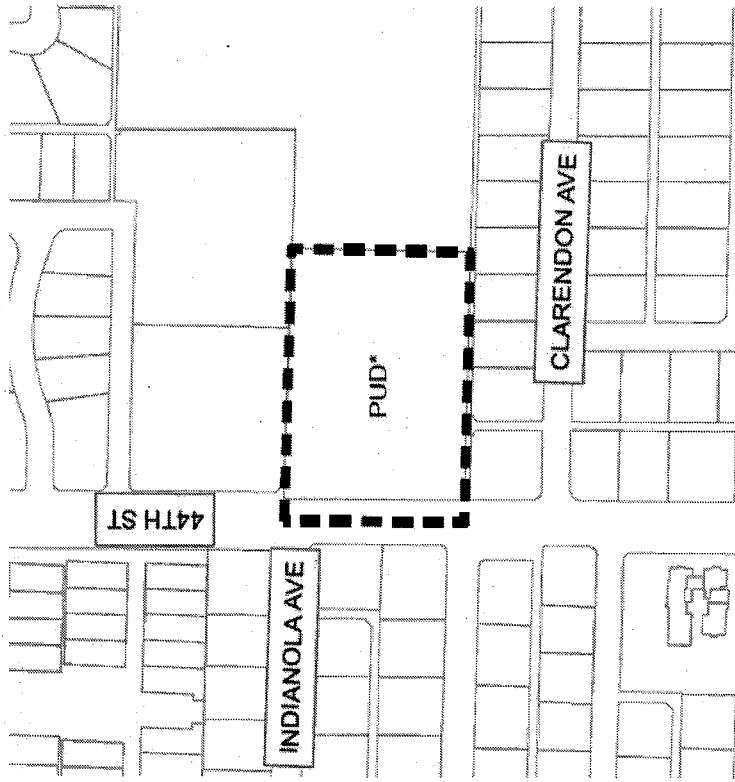
THENCE NORTH 0°17'18" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 330.98 FEET TO THE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

Zoning Case Number: Z-44-18-6
Zoning Overlay: N/A
Planning Village: Camelback East

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■■■■■



NOT TO SCALE

Drawn Date: 2/6/2019